

Application No.: 10/552,475Docket No.: 324-179REMARKS

Claim 1 has been amended to obviate the rejection under 35 USC 112, second paragraph. The claim as amended clearly recites first and second emitters of first and fourth data signals in first and second useful frequency bands and first and second receivers of second and third data signals in the first and second frequency bands. The second receiver receives the third data signal via a (a) a first antenna, (b) a first circulator, and (c) a filter having a pass-band for passing the second frequency band. The first emitter emits the first data signal via (a) a filter having a pass-band for passing the first frequency band, (b) the first circulator, and (c) the first antenna. The second emitter emits the fourth data signal via (a) a filter having a pass-band for passing the second frequency band, (b) a second circulator, and (c) a second antenna. The first receiver receives the second data signal in the first frequency band via (a) the second antenna, (b) the second circulator, and (c) a filter having a pass-band for passing the first frequency band.

Claim 1, as amended, is very clear. A diagram can easily be drawn of the subject matter set forth in the claim. There is no need to provide a new claim in a clean format without brackets or deleted words or crossed out words. If the examiner persists in the rejection under 35 USC 112, second paragraph, he is requested to more specifically indicate the alleged indefinite aspects of claim 1.

Applicants traverse the rejection of claim 1 under 35 USC 101 "because the claimed invention is not supported by either a specifications asserted utility or a well-established utility (sic)." The utility of claim 1 is apparent from the claim because the claim is directed to terminal equipment for a bidirectional radio link wherein signals in different frequency bands are emitted and transmitted from the terminal equipment. Emitters and receivers of radio signals have been with us for over century, since Marconi's invention. If the examiner persists in this rejection, he is requested to more specifically indicate why emitters and receivers of radio signals are not utilitarian.

Applicants traverse the rejection of claim 1 under 35 USC 112, first paragraph. The office action alleges the subject matter of claim 1 is not supported by either the specification asserted utility or a well-established utility and that one skilled in the art would

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not know how to use the claimed invention. With regard to the subject matter of claim 1 not being supported by either "a specifications asserted utility or a well-established utility (sic)," receivers and emitters of radio waves have long been employed. There are classes in the Classification Manual of the USPTO directed to the subject matter.

One of ordinary skill in the art would have no problem in using the subject matter of claim 1. All that is necessary is to connect two data emitters and two data receivers to (1) two antennas, (2) two circulators and (3) two pass band filters having pass-bands as clearly set forth in claim 1. The connections and structures set forth in claim 1 are based on paragraphs 0010-0012 of the application as published, and on Fig. 6, as described in paragraphs 0033-0035 and 0041-0042 of the published application, 2008-0203751.

The comment in the office action that "The examiner holds the art rejection until the claim will be present in a clear and definite manner at a later time (sic)" and the nature of the office action are very troubling to attorney for applicants. It is clear from the abstract, the figure on the front page of the published application and claim 1, as filed, what structure was being claimed in claim 1. The failure of the examiner to make an attempt to understand what was being claimed and his assertion that the invention lacks utility are indeed perplexing to the undersigned attorney for applicants.

Full consideration of the application is in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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AML/cjf